

## THE OFFICE OF CONTRACTING AND PROCUREMENT

---

### NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

---

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor's Order 2002-207 (dated December 18, 2002), hereby gives notice of the adoption of the following emergency rules and of the intent to adopt final rulemaking to amend Chapter 13 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The proposed rules are intended to amend section 1301.1 of Chapter 13 concerning notices of contract awards so as to be consistent with the small purchase limitations, thereby only requiring publication of notices of awards of contracts above the small purchase limit of \$500,000 for the Metropolitan Police Department and the Office of the Chief Technology Officer, and above \$100,000 for all other agencies.

Action was taken on August 2, 2005 to adopt the following rules on an emergency basis effective on that date. Without these emergency rules, the Office of Contracting and Procurement (OCP) will be required to publish notices of all awards of contracts for \$25,000 and above on the OCP Internet site established in accordance with section 303(c-1) of the PPA (D. C. Official Code § 2-303.03(c-1)(2001)), even though the small purchase rules were amended effective upon approval of the Council of the District of Columbia on July 19, 2003, and published in a Notice of Final Rulemaking in the *D. C. Register* on October 3, 2003, at 50 DCR 8179. This proposed rule conforms the publication requirement for contract awards to the changes in the small purchase limitations.

Adoption of these emergency rules to amend Chapter 13 is thus necessary for the immediate preservation of the public health, safety and welfare, by not requiring OCP to publish notices of awards of every procurement \$25,000 and above for supplies and services. These emergency rules will remain in effect up to one hundred twenty (120) days from date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(a) of the PPA (D.C. Official Code §2-302.05(a) (2001)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

## CHAPTER 13

### PUBLICIZING CONTRACT ACTIONS

*Section 1301 is amended to read as follows:*

#### **1301 NOTICE OF CONTRACT AWARDS**

- 1301.1 Notice of awards of contracts exceeding five hundred thousand dollars (\$500,000) for the Metropolitan Police Department and the Office of the Chief Technology Officer, and exceeding one hundred thousand dollars (\$100,000) for all other agencies, shall be published on the Internet site maintained in accordance with § 1300.7, within a reasonable period of time after the contracts are awarded.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, no later than thirty (30) days after the date of publication of this notice in the *D. C. Register*. Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D. C. Register*. Comments should be delivered or mailed to Herbert R. Tillery, Interim Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.E., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.